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2 LISA M. BERTAIN CASB NO. 124646
3 JULIE L. TAYLOR CASB NO. 154341
4 BENJAMIN W. WHITE CASB NO. 221532
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20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**

22 BUGRA BAKAN, an individual, and) Case No. C 03 4748 MMC
23 CANG NGUYEN, an individual, each on)
24 his own behalf and on behalf of all others)
25 similarly situated,)
26 Plaintiffs,)
27 vs.)
28 CITIGROUP, INC., a Delaware)
corporation; CITIBANK, F.S.B., a Savings)
Association, dba CITIBANK)
CALIFORNIA; CITIBANK (WEST) F.S.B.,)
a Savings Association; CITICORP)
INVESTMENT SERVICES, a Delaware)
corporation; and DOES 1 through 50,)
inclusive,)
Defendants.)

1 **IT IS HEREBY STIPULATED AND AGREED** by and between the
 2 parties herein, through their respective attorneys of record, as follows:

3 (1) The parties recently discovered that, due to an inadvertent computer
 4 error, approximately 100 Class Members were omitted from the mailing to the Class
 5 which occurred on May 22, 2006;

6 (2) Defendant is in the process of obtaining address and work week
 7 information regarding the inadvertently omitted Class Members and anticipates
 8 providing it to the claims administrator such that notice can be mailed to these Class
 9 Members on June 19, 2006;

10 (3) The parties believe that an eight-week period of time between the
 11 anticipated mailing on June 19, 2006 and the August 14, 2006 deadline for submitting a
 12 Claim Form, submitting a Request for Exclusion, or objecting to the settlement is
 13 sufficient notice for these Class Members. The parties further believe that an eight-week
 14 period exceeds the time approved by many courts and equals or exceeds "the bulk of
 15 notices directing 30- to 60-day intervals between mailing or publishing class notice and
 16 the filing of an affirmative response by class members." A. Conte & H. Newberg, 4 Newberg
 17 on Class Actions § 8:35, p. 276 (4th ed. 2002); *accord, e.g., In re Bankamerica Corp. Securities Lit.*
 18 (2002) 210 F.R.D. 694, 708 (E.D. Mo. 2002) *and cases cited therein*. All Class Members, including
 19 those receiving the June 19, 2006 notice, will also benefit from the late claim and disputed claim
 20 procedures contained in the parties' settlement agreement and the Court's preliminary approval order.
 21 *See, e.g., Manual for Complex Litigation, Fourth* § 21.661 (4th ed. 2004); *Crazy Eddie Securities Lit.*,
 22 906 F. Supp. 840, 845 (E.D. N.Y. 1995) (*citing Manual for Complex Litigation, Third* § 30.47
 23 ("special master may be charged with reviewing all claims or those that are late, deficient in
 24 documentation, or questionable for other reasons.")).

25 (4) In order to avoid prejudice to the Class, Defendant shall pay for any additional
 26 administration costs associated with the mailing on June 19, 2006 (not including the costs that would
 27 have been incurred had the inadvertently omitted Class Members been included in the mailing which
 28 occurred on May 22, 2006). This amount shall not be deducted from the Gross Fund Value. This

1 amount shall be determined by the Claims Administrator and, if disputed by either party, shall be
2 subject to binding determination by the Special Masters.

3 (5) The Final Settlement Approval Hearing will remain scheduled for
4 October 6, 2006 at 9:00 a.m. at set forth in the Notice of Pendency of Class Action and
5 Proposed Settlement.

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7 DATED: June 13, 2006

8 /s/ Richard C. Rybicki
9 RICHARD C. RYBICKI
10 RYBICKI & BLEVANS, LLP
11 Attorneys for Plaintiffs
12 BUGRA BAKAN and CANG NGUYEN

13 DATED: June 13, 2006

14 /s/ Benjamin W. White
15 SAMUEL A. KEE SAL, JR.
16 LISA M. BERTAIN
17 JULIE L. TAYLOR
18 BENJAMIN W. WHITE
19 KEE SAL, YOUNG & LOGAN
20 Attorneys for Defendants
21 CITIGROUP, INC.; CITIBANK, F.S.B., dba
22 CITIBANK CALIFORNIA; CITIBANK
23 (WEST) F.S.B.; and CITICORP
24 INVESTMENT SERVICES

25
26 IT IS ORDERED that:

27 (1) Notice shall be mailed on June 19, 2006 to the inadvertently omitted
28 Class Members as described above;

29 (2) The eight week period of time between the anticipated mailing on June
30 19, 2006 and the August 14, 2006 deadline for submitting a Claim Form, submitting a
31 Request for Exclusion, or objecting to the settlement, plus the time and procedures set
32 for resolving late and disputed claims, is hereby deemed sufficient notice for these class
33 members;

34 (3) Defendant shall pay for any additional administration costs associated with the
35 mailing on June 19, 2006 (not including the costs that would have been incurred had the inadvertently
36 omitted Class Members been included in the mailing which occurred on May 22, 2006). This amount

1 shall not be deducted from the Gross Fund Value. This amount shall be determined by the Claims
2 Administrator and, if disputed by either party, shall be subject to binding determination by the Special
3 Masters; and

4 (4) The Final Settlement Approval Hearing will occur on October 6, 2006 at
5 9:00 a.m. at set forth in the Notice of Pendency of Class Action and Proposed Settlement.

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8 DATED: June 16, 2006


9 Honorable Maxine M. Chesney
10 United States District Judge

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